

Ombudsman criticises OLAF for failing to withdraw bribery allegations

Press release no. 23/2003 - 27/11/2003

The European Ombudsman, **P. Nikiforos Diamandouros**, has criticised the European Anti-Fraud Office (OLAF) for failing to withdraw allegations of bribery that were likely to be understood as directed at a journalist. This follows a complaint from the Brussels correspondent of *Stern*, a German weekly newspaper.

The complainant considered that OLAF had acted wrongly by making public in a press release and in its comments to *European Voice* allegations of bribery that had to be understood as directed at him and his newspaper. OLAF argued that its reference to "a" journalist was neutral and did not implicate any specific individual. Regarding the bribery allegations, it said that it had reason to believe that on at least one occasion payment had been made for the supply of confidential documents.

The Ombudsman insisted that an insinuation of bribery is a serious allegation, likely to tarnish the reputation of a journalist. Such insinuations must therefore not be made in public without a sufficiently serious basis that can be scrutinised publicly, he said. In light of the evidence submitted to the Ombudsman, the complainant's view that OLAF effectively relied on nothing but rumours did not appear to be unreasonable. This view was corroborated by an internal e-mail circulated within OLAF.

The Ombudsman therefore recommended that OLAF consider withdrawing the allegations. OLAF accepted this recommendation but failed to implement it adequately. Instead of withdrawing the allegations, OLAF simply stated in a press release issued subsequent to the Ombudsman's recommendation that "to date" it has not found sufficient evidence to support them. The Ombudsman found this insufficient and criticised OLAF.

Background

Stern published two articles covering alleged irregularities that had been raised by an EU official, Mr Paul van Buitenen, and the related inquiries carried out by OLAF. These articles were based on confidential documents obtained by *Stern*'s Brussels-based correspondent. OLAF subsequently published a press release saying that "a" journalist had obtained a number of documents relating to this inquiry and that it had decided to open an internal inquiry. This internal inquiry would also cover the allegation that the relevant documents had been obtained "by paying a civil servant".



The Ombudsman's decision can be found on his website at:

<http://www.ombudsman.europa.eu/decision/en/021840.htm> [Link]

For further information, please call Mr. Gerhard Grill, Principal Legal Advisor, tel. +33 3 88 17 24 23.